

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

RAMIRO CANALES #01244960 §
VS. § CIVIL ACTION NO. 6:11CV190
CORRECTION OFFICER V STEPHEN R. §
ROBERTSON, ET AL.

ORDER DENYING SUMMARY JUDGMENT

The above-entitled and numbered civil action was heretofore referred to United States Magistrate Judge Judith K. Guthrie. The Report and Recommendation (docket entry #40) of the Magistrate Judge, which contains proposed findings of fact and recommendations for the disposition of such action, concludes that Defendants Robertsons' and Hock's Motion for Summary Judgment on the grounds of qualified immunity and the disputed validity of an Eighth Amendment claim against them (docket entry #31), be denied due to the existence of genuine disputes of material fact. Fed. R. Civ. P. 56(a). No objections thereto having been timely filed by any party, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct, and adopts same as the findings and conclusions of the Court. It is therefore

ORDERED that Defendants' Motion for Summary Judgment (docket entry #31) is hereby **DENIED** due to the existence of genuine disputes of material fact. Fed. R. Civ. P. 56(a). Absent any further showing or motion, this matter shall proceed to trial on the issues of excessive use of force and deliberate indifference to Plaintiff's medical needs.

SIGNED this 20th day of April, 2012.



MICHAEL H. SCHNEIDER
UNITED STATES DISTRICT JUDGE